

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TONI BEEMAN

V.

HOMEGOODS, INC., JOHN DOE #1,  
AND JOHN DOE #2

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CIVIL ACTION NO. 4:21-cv-1522  
JURY DEMANDED

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**DEFENDANT HOMEGOODS, INC.'S NOTICE OF REMOVAL**

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TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, HomeGoods, Inc., files its notice of removal of this civil action to the United States District Court for the Southern District of Texas, Houston Division. In support of this Notice of Removal, Defendant respectfully shows as follows:

1. On April 7, 2021, Plaintiff filed her Original Petition in Cause No. 21-DCV-282329; *Toni Beeman v. HomeGoods, Inc., John Doe #1, and John Doe #2*, in the 458<sup>th</sup> Judicial District Court of Fort Bend County, Texas, naming as a Defendant, HomeGoods, Inc. Plaintiff's return of service indicates that citation was served on Defendant, HomeGoods, Inc., on April 9, 2021. *See* Exhibit A, an index of documents filed in the state court proceeding. Therefore, Defendant's notice of removal is timely under 28 U.S.C. § 1446(b).

2. True and correct copies of all documents filed in the state court proceeding are attached hereto and incorporated herein by reference. *See* Exhibit A. A list of all counsel of record has been filed separately in accordance with Local Rule 81.

3. Defendant would show that this case is removable under 28 U.S.C. § 1441, and the Court has jurisdiction over this matter, because this suit involves a controversy between citizens

of different states and the amount in controversy, exclusive of interests and costs, exceeds \$75,000.00. *See* 28 U.S.C. §§ 1332 and 1441.

4. There is complete diversity between the parties. At the time of the filing of this action, and at the time of removal, Plaintiff was and is a citizen of the State of Texas. Defendant HomeGoods, Inc. was and is a corporation incorporated under the laws of the State of Delaware, with its principal place of business at 770 Cochituate Rd., Framingham, MA 01701. At the time of the filing of this Notice, Defendants John Doe #1 and John Doe #2 have not been identified or served.

5. The matter or amount in controversy in this suit exceeds the sum of \$75,000.00, exclusive of interest and costs. In her Original Petition, Plaintiff seeks damages “in excess of \$250,000 but not more than \$1,000,000.” *See* paragraph VII in Plaintiff’s Original Petition, attached as part of Exhibit A.

6. In her live Petition, Plaintiff claims she suffered serious bodily injuries as a result of Defendants’ alleged negligence. *See* paragraphs IV and V in Plaintiff’s Original Petition, attached as part of Exhibit A. Plaintiff further alleges damages including: medical and healthcare expenses in the past and future; physical pain in the past and future; mental anguish in the past and future; physical disfigurement in the past and future; and physical impairment in the past and future. *See* paragraph VII of Plaintiff’s Original Petition, attached as part of Exhibit A.

7. This Notice of Removal will be provided to Plaintiff by service of a copy upon her counsel of record, in accordance with 28 U.S.C. §1446(d). Further, a copy of this Notice of Removal will be filed with the District Clerk of Fort Bend County, in accordance with 28 U.S.C. §1446(d).

8. Therefore, Defendant HomeGoods, Inc. prays that this cause be removed from the 458<sup>th</sup> Judicial District Court of Fort Bend County, Texas, to this Court, and for all other relief to which Defendant may be entitled.

Respectfully submitted,

HARTLINE BARGER LLP

/s/ Kevin B. Tompkins

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**ATTORNEY FOR DEFENDANT,  
HOMEGOODS, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served upon the parties listed below by the method(s) indicated on May 7, 2021.

S. Scott West

The West Law Firm

6908 Brisbane Court, 3<sup>rd</sup> Floor

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Via email: [WestTeam@westfirm.com](mailto:WestTeam@westfirm.com)

/s/ Kevin B. Tompkins

Kevin B. Tompkins